

# **Town Board Minutes**

**Meeting  
No. 34**

**Special Meeting**

**October 6, 2003**

# **Town Board Minutes**

**October 6, 2003**

**Meeting No. 34**

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of October 2003, at 6:30 PM and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**JIFFY TITE SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Jiffy Tite site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER MYSZKA  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:**

**RESOLVED,** that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
JIFFY TITE SITE PLAN  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE,** that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type I action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 14 acres.

The location of the premises being reviewed is situate at 4437 Walden Avenue, County of Erie, Lancaster, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.  
It is noted that there may be a very small increase in demand for police and fire services.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.  
In making the above findings, the Municipal Review Committee has specifically considered the issues raised in the communication from Andrew M. Eszak of the Erie County Department of Environment and Planning dated September 29, 2003, and found that the impacts associated with this project are not significant.

s/s \_\_\_\_\_

**SEAL**

Robert H. Giza, Supervisor  
Town of Lancaster

October 6, 2003

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

October 6, 2003

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**LANCASTER HERITAGE TRAIL**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Lancaster Heritage Trail matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED BY  
PLANNING BOARD MEMBER GOBER, WHO MOVED  
ITS ADOPTION,                      SECONDED BY PLANNING  
BOARD MEMBER KORZENIEWSKI,                      TO WIT:**

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
LANCASTER HERITAGE TRAIL  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 50± acres.

The location of the premises being reviewed is within the Town of Lancaster, County of Erie, State of New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site. Construction will last for more than one year.

It is noted that there will be crossing of some creeks upon existing structures.

2. The proposed action will not effect any unique or unusual land forms found on the site.

3. The proposed action will not affect any water body designated as protected.

It is noted that there will be a crossing of some water ways upon existing structures.

4. The proposed action will not affect any non-protected existing or new body of water.

5. The proposed action will not affect surface or ground water quality or quantity.

- a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.

6. The proposed action will not alter drainage flow patterns or surface water runoff.

7. The proposed action will not affect air quality.

8. The proposed action will not affect any threatened or endangered species.

9. The proposed action will not substantially affect non-threatened or non-endangered species.

10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).



15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.

It is noted that there may be the need for added police protection along the trail.

20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

In making the above findings, the Municipal Review Committee cautions that where the bike path is to follow the former Delaware, Lackawanna and Western Railroad right-of-way, such lands should not be designated as parklands, as such designation may preclude future use for rail or highway development, the purpose for which the Town purchased the former railroad lands.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

October 6, 2003

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

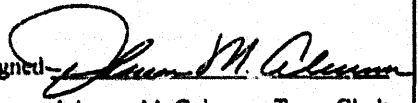
October 6, 2003

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY  
PLANNING BOARD CHAIRMAN KEYSA FOR ADJOURNMENT OF THE MEETING, on  
voice vote, which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:02 P.M.

Signed   
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 35**

**Regular Meeting**

**October 6, 2003**

# **Town Board Minutes**

October 6, 2003  
Meeting No. 35

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 6<sup>th</sup> day of October at 8:00 P.M. and there were

**PRESENT:** MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** RICHARD ZARBO, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
CHRISTINE FUSCO, ASSESSOR  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
MARY ANN PERRELLO, DEPUTY TOWN CLERK

## **PERSONS ADDRESSING TOWN BOARD:**

**Fortuna, Dawn**, 210 Enchanted Forest North, spoke to the Town Board on the following matters:

- Comments about cautionary traffic sign being considered for the curve on Enchanted Forest North.
- Would like the Town Board to construct another east/west road in the south end of the Town.

**Davis, Jeff**, 218 Calumet Street, spoke to the Town Board on the following matter:

- Comments and suggestions about traffic signage on Stutzman Road near Genesee Street.

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matter:

- Comments about the volume of traffic on Enchanted Forest North.

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about curve on Enchanted Forest North.
- Suggests that Southpoint Drive be opened up to Transit Road.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matters:

- Questions regarding:
  1. Wetland delineation of NYS Dept. of Environmental Conservation in Windsor Ridge.
  2. Special Use Permit Application of Onyx Environmental Services.
  3. Use of Police to enforce speed on Enchanted Forest North.

**Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matters:**

- **Questions regarding:**
  1. **Retaining GAR Associates for assessment inventory data purposes.**
  2. **Special Use Permit for 5454 Genesee Street.**

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Planning Board and the  
Town Board held September 15, 2003 and the Regular Meeting of the Town Board held September  
15, 2003 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated September 23, 2003, has requested the addition of an additional member to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual

**ADDITION:**

Jack P. Emmi  
10 Hampton Court  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: RFIRE (P4)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town of Lancaster has previously entered into an Agreement to furnish Dog Control Services to the Village of Lancaster, which Agreement will expire according to its terms on October 31, 2003, and

**WHEREAS**, the Town Board of the Town of Lancaster desires to renew said Agreement for a 5-year term commencing November 1, 2003 through October 31, 2008.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute an Agreement with the Village of Lancaster setting forth the terms and conditions for the performance of certain services for the Village of Lancaster involving dog control.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: rdogcontrolservicesvillageoflancaster1003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster established a disaster preparedness team to be known as the Emergency Services Team of the Town of Lancaster, and

**WHEREAS**, the Emergency Services Team has submitted By-Laws to the Town Board for review and approval, and

**WHEREAS**, the Town Board deems it in the public interest to adopt the By-Laws as submitted;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby adopts the By-Laws as proposed by the Emergency Services Team effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: remergencymanagementbylaws1003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20<sup>th</sup> day of October 2003, at 8:50 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before October 9, 2003, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: rvtordchpt46southpointdrive1003

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 6th day of October, 2003, the said Town Board will hold a Public Hearing on the 20th day of October, 2003, at 8:50 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding thereto the following:**

**SOUTHPOINT SUBDIVISION**

<b><u>STREET NAME</u></b>	<b><u>INTERSECTING STREET</u></b>	<b><u>LOCATION</u></b>
Southpoint Drive	Thomas Drive	N.E. Corner
Southpoint Drive	Thomas Drive	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
Town Clerk

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Joseph M. Brainard, d/b/a Braico Enterprises, situate at 5454 Genesee Street in the Town of Lancaster, has submitted an application for a Special Use Permit for an Automobile Sales business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster;**

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for an Automobile Sales business on premises locally known as 5454 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October 2003, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - BRAICO ENTERPRISES  
5454 GENESEE STREET**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 2003 the said Town Board will hold a Public Hearing on the 20<sup>th</sup> day of October, 2003, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Joseph M. Brainard, d/b/a Braico Enterprises, for a Special Use Permit for an Automobile Sales business on premises locally known as 5454 Genesee Street, Town of Lancaster, County of Eric, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Steve Zillig, d/b/a Jiffy Tite Company, Inc. 4437 Walden Avenue, Lancaster, New York, has submitted a Site Plan prepared by Kulback's Construction, Inc. dated August 2003 and received August 25, 2003 for the construction of a 25,500 sq. ft. addition to an existing building located at 4437 Walden Avenue in the Town of Lancaster, and**

**WHEREAS, the Town Planning Board reviewed the proposed project and at its meeting September 3, 2003 recommended approval of same, and**

**WHEREAS, a SEQR Review of this project was held October 6, 2003 and a negative declaration was issued at that time.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Steve Zillig, prepared by Kulback's Construction, Inc. dated August 2003 and received August 25, 2003 for the construction of a 25,500 sq. ft. addition to an existing building (Jiffy Tite Company, Inc.) located at 4437 Walden Avenue in the Town of Lancaster.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the New York's Returnable Container Act (known as the "Bottle Bill") celebrated its 20<sup>th</sup> anniversary on July 1<sup>st</sup> 2003, and

**WHEREAS**, the Bottle Bill requires a 5-cent refundable deposit per container on all beer, wine coolers, soda and carbonated water sold in New York, and

**WHEREAS**, the refundable deposit provides a financial incentive for consumers to recycle and rewards anyone who returns the bottles and cans, and

**WHEREAS**, the Bottle Bill is successful - New Yorkers have returned 75% of the deposit; more than 5.2 million tons of glass, metal and plastic have been diverted from the waste stream saving local governments millions of dollars in collection and disposal costs; litter and broken glass have been reduced by as much as 30%, resulting in safer and more attractive sidewalks, parks playgrounds, beaches, and roadsides; and recycling bottles and cans has saved the equivalent of 25 million barrels of oil, and

**WHEREAS**, under the current Bottle Bill, consumers pay a 5-cent refundable deposit on every container of beer, soda, sparkling water or wine cooler they purchase in New York and can redeem their deposit by returning the beverage container to any store in New York that sells the product or to a redemption center. The beverage distributor who initiated the deposit then reimburses the retailer or redemption center for the 5-cent deposit plus a 2-cent handling fee per container. Whenever a bottle or can is not returned, the beverage distributor keeps the money. Beverage distributors retained an estimated \$135 million in unclaimed deposits in 1999, and

**WHEREAS**, under proposed A.3922/S.1696, the Bottle Bill would be amended to expand to cover all beverage containers with the exception of liquor, wine, infant formula and milk, and

**WHEREAS**, under proposed A.3922/S.1696, all unclaimed deposits would go back to the New York State Environmental Protection Fund which provides monies to municipalities for Municipal Waste Reduction & Recycling Program and Household Hazardous Waste State Assistance Program.



**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Lancaster supports the original Returnable Beverage Act of 1982, the proposed additions to the Bill (A.3922/S.1696) and the sharing of held monies with those entities, including Lancaster which have worked hard to make recycling successful.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: recyclingbottles.111003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Onyx Environmental Services, LLC, 1 Eden Lane, Flanders, New Jersey, a prospective tenant at 6495 Transit Road, Lancaster New York has submitted an application for a Special Use Permit, in accordance with provisions of Chapter 50-Zoning, Section 20 (B) of the Code of the Town of Lancaster;**

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for Onyx Environmental Services, LLC, a DEC licensed waste transporter, on premises locally known as 6495 Transit Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 20th day of October 2003, 8:40 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - ONYX ENVIRONMENTAL SERVICES  
6495 TRANSIT ROAD**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) "Commercial Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 6th day of October, 2003 the said Town Board will hold a Public Hearing on the 20<sup>th</sup> day of October, 2003, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Onyx Environmental Services, LLC, a DEC licensed waste transporter, for a Special Use Permit, on premises locally known as 6495 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, New York State Electric & Gas Corp., 150 Erie Street,  
Lancaster, New York 14086, by letter dated September 26, 2003, has presented a cost proposal  
to connect one (1) 50W High Pressure Sodium Luminaire on Transit Blvd in the Town of  
Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby accepts  
the proposal of New York State Electric & Gas Corp. to connect the following on Transit Blvd.:

1 - 50W High Pressure Sodium Luminaire

**TOTAL ANNUAL INCREASE - \$36.93**

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby  
authorized to accept and execute the proposal of New York State Electric & Gas Corp. for the  
above mentioned connection.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster is desirous of resolving traffic issues involving a curve on Enchanted Forest North, Forestream Village Subdivision, and

**WHEREAS**, after a review by the Police Department and the Town Attorney it has been determined that the Uniform Manual For Traffic Control Devices for the State of New York permits signage in the nature of alerting drivers to a curve under Section 231.3 and that such curve sign can also provide for a reduced warning or advisory speed sign on the curve, pursuant to Section 239.1;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby directs the Highway Superintendent of the Town of Lancaster to place the combination advisory curve sign (identified in the Manual as W1-2) with a warning or advisory speed limit sign of 15 mph (size 18" x 18") at a location on Enchanted Forest North approximately 100' before entering the curve.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town Assessor has requested that the Town Board authorize the expenditure of funds from the NYS Maintenance Aid provided for the Assessor's office in the sum of \$32,606 for the purpose of improving property inventory data of all parcels in the Town of Lancaster under a contract with GAR Associates Incorporated, 2399 Sweet Home Road, Amherst, New York 14228 to provide services where needed, and

**WHEREAS**, the services to be provided are in the nature of professional services involving specialized skills, expertise and the exercise of judgment and discretion, and

**WHEREAS**, the Town Board has given due review and consideration to the request to use the state funds provided for support of the Assessor's office and deems it to be in the public interest to cause the expenditure of these funds in this manner.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute an Agreement with GAR Associates Incorporated, 2399 Sweet Home Road, Amherst, New York 14228 in the sum not to exceed \$30,000 to provide services and assistance as needed.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Association has petitioned the Town Board for approval to have an obligation treated as a bond of a political subdivision of a state pursuant to the provisions of 26 USCS 150 (e), and

**WHEREAS**, an order was duly adopted by said Town Board on September 2, 2003, appointing a hearing officer and reciting the expansion and addition to the Fire Hall located at 4999 William Street by the Twin District Volunteer Fire Association and setting a public hearing for September 22, 2003 at 7:00 P.M. prevailing time, at the Fire Hall at 4999 William Street, Lancaster, New York for its borrowing to hear all persons interested in the subject matter concerning the same, and

**WHEREAS**, Notice of the aforesaid public hearing was duly published in the manner and within the time prescribed by 26 USCS 147 (f) and proof of said publication has been duly presented to said Town Board, and

**WHEREAS**, said public hearing was duly held at the time and place in said Order, as aforesaid at which time all persons desiring to be heard were duly heard.

**NOW, THEREFORE, BE IT**

**RESOLVED**, said Town Board has duly considered said Petition of the Twin District Volunteer Fire Company, Inc. and the evidence given at said public hearing and resolve that the members of the Town Board of the Town of Lancaster, Erie County, New York upon reading the Appointment of Hearing Officer executed by Robert H. Giza, Supervisor; the Notice of Public Hearing published on September 4, 2003 in the Lancaster Bee; and the Report of Hearing Officer dated September 23, 2003 hereby approve the "Approval of Financing" attached hereto and further direct that the Lancaster Town Supervisor execute such "Approval of Financing" on behalf of the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

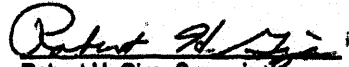
File: rtwindistrictborrowing2003a

**APPROVAL OF FINANCING \$2,459,390.00  
TO FINANCE THE COST OF CONSTRUCTING  
AN ADDITION TO THE FIRE HALL  
OF THE TWIN DISTRICT VOLUNTEER FIRE COMPANY, INC.,  
LOCATED AT 4999 WILLIAM STREET,  
LANCASTER, NEW YORK**

I, Robert H. Giza, Supervisor, of the Town of Lancaster, Erie County, New York, in accordance with the requirements of Section 103 and related sections of, and regulations under, the Internal Revenue Code and in reliance upon certain recommendations and other information submitted to me, and subsequent to a duly conducted public hearing concerning the matter, do hereby approve financing and the issuance of an obligation evidencing indebtedness by the Twin District Volunteer Fire Company, Inc. for the financing of the cost of constructing an addition to the Fire Company's Fire Hall.

The construction shall be performed by LeHigh Construction Group, Inc., 4327 South Taylor Road, Orchard Park, New York. The obligation is in the principal maximum amount of \$2,459,390.00. The fire house is to be used for fire protection service to the Town of Lancaster, Erie County, New York pursuant to a Contract between the Town of Lancaster and Twin District Volunteer Fire Company, Inc.

Dated: October 6, 2003

  
Robert H. Giza, Supervisor  
Town of Lancaster, New York



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Bowmansville Volunteer Fire Association, Inc. has petitioned the Town Board for approval to have an obligation treated as a bond of a political subdivision of a state pursuant to the provisions of 26 USCS 150 (c), and

**WHEREAS**, an order was duly adopted by said Town Board on September 2, 2003, appointing a hearing officer and reciting the construction, reconstruction and improvement of the fire station located at 58 Seitz Avenue and the refinancing of three pieces of firefighting apparatus by the Bowmansville Volunteer Fire Association, Inc., and setting a public hearing for September 24, 2003 at 7:00 P.M. prevailing time for Part A of its borrowing and at 7:30 P.M. prevailing time for Part B, at its fire house at 36 Main Street, Bowmansville, New York, for its borrowing to hear all persons interested in the subject matter concerning the same, and

**WHEREAS**, Notice of the aforesaid public hearing was duly published in the manner and within the time prescribed by 26 USCS 147 (f) and proof of said publication has been duly presented to said Town Board, and

**WHEREAS**, said public hearing was duly held at the time and place in said Order, as aforesaid at which time all persons desiring to be heard were duly heard.

**NOW, THEREFORE, BE IT**

**RESOLVED**, said Town Board has duly considered said Petition of the Bowmansville Fire Association, Inc., and the evidence given at said public hearing and resolve that the members of the Town Board of the Town of Lancaster, Erie County, New York upon reading the Appointment of Hearing Officer executed by Robert H. Giza, Supervisor; the Notice of Public Hearing published on September 4, 2003 in the Lancaster Bee; and the Report of Hearing Officer dated September 24, 2003 hereby approve the "Approval of Purchase" attached hereto and further direct that the Lancaster Town Supervisor execute such "Approval of Purchase" on behalf of the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPLAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: rbownmansvilleborrowing200311

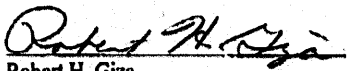
**APPROVAL OF PURCHASE BY  
ELECTED REPRESENTATIVE OF POLITICAL  
SUBDIVISION CONTRACTING FOR FIREFIGHTING SERVICES**

I, Robert H. Giza, Supervisor of the Town of Lancaster in accordance with the requirements of sections 130 and related sections of, and regulations under, of the Internal Revenue Code, and in reliance upon certain recommendations and other information submitted to me, and subsequent to a duly conducted public hearing concerning the matter, do hereby approve borrowing and the issuance of an obligation evidencing such indebtedness by the Bowmansville Volunteer Fire Association, Inc. to Key Bank in the amount of \$400,000.00 for the financing of construction, reconstruction and improvement of the firehouse facility located at 58 Seitz Avenue, Lancaster, New York and in the maximum amount of \$715,000.00 for the refinancing by Bowmansville Volunteer Fire Association, Inc. of three pieces of firefighting apparatus.

The proposed construction, reconstruction and improvement is of the firehouse facility located at 58 Seitz Avenue, Lancaster, New York, which will be used for the housing and storage of firefighting apparatus, vehicles and related equipment as well as for training, administrative and related facilities in order to render fire protection services to a portion of the Town of Lancaster. The proposed refinancing of the three pieces firefighting apparatus are to be used for the provision of fire protection service to a portion of the Town of Lancaster pursuant to a contract dated March 21, 2001 between Bowmansville Volunteer Fire Association, Inc. and the Town of Lancaster. The three pieces of firefighting apparatus are to be garaged at 36 Main Street, Lancaster, New York.

Execution of this document in no way creates liability on the part of the Town of Lancaster and the Town of Lancaster is not responsible for the repayment of any bonds issued pursuant thereto.

DATED: October 6, 2003

  
Robert H. Giza  
Supervisor  
Town of Lancaster

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION. SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 4521 to Claim No. 4777 Inclusive

Total amount hereby authorized to be paid: \$558,920.34

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) -- Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

11149	Lauta, Roy	28 Cambria St	Er. Shed	(V/L)
11150	Duro-Shed Inc	9 Thomas Dr	Er. Shed	
11151	Duro-Shed Inc	10 Devonshire Ln	Er. Shed	
11152	Egger, William	95 Michael's Walk	Er. Deck	
11153	DiPiazza, Charles	34 Woodgate Dr	Er. Shed	
11154	Majestic Pools Inc	24 Cambridge Ct	Er. Pool-In Grnd	
11155	Majestic Pools Inc	24 Cambridge Ct	Er. Fence	
11156	Majestic Pools Inc	5374 William St	Er. Pool-In Grnd	
11157	Majestic Pools Inc	5374 William St	Er. Fence	
11158	Duro-Shed Inc	44 Stream View Ln	Er. Shed	
11159	North Forest Properties	2805 Wehrle Dr	Er. Comm. Alt.	
11160	North Forest Properties	2805 Wehrle Dr	Er. Comm. Alt.	
11161	Marrano/Marc Equity	38 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11162	Breski, Thomas	652 Harris Hill Rd	Er. Shed	
11163	Marrano/Marc Equity	50 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11164	Majestic Pools Inc	30 Quail Hollow	Er. Pool-In Grnd	
11165	Huber, John	2 Sugar Mill Ct	Er. Shed	
11166	Duro-Shed Inc	3 Windsor Ridge Dr	Er. Shed	
11167	Duro-Shed Inc	77 Simme Rd	Er. Shed	
11168	Szczecsek, Jeffrey	133 Nathan's Trl	Er. Shed	
11169	O'Neill, Michael	28 Summerfield Dr	Er. Shed	
11170	Paradise, Angelo	165N Maple Dr	Er. Garage	
11171	Nigel Enterprises	8 Walnut Creek Trl	Er. Dwlg.-Sin.	
11172	C M H Co Inc	422 Aurora St	Dem. Dwlg.	
11173	Stribing, Jeffrey	99 Sixth Ave	Er. Res. Alt.	(V/L)
11174	Warmus, Dennis	20 Ann Marie Dr	Er. Shed	
11175	Colley's Pool Sales Inc	268 Enchanted Forest N	Er. Fence	
11176	Colley's Pool Sales Inc	268 Enchanted Forest N	Er. Pool-In Grnd	
11177	Duro-Shed Inc	90S Irvinwood Rd	Er. Shed	(V/L)
11178	Samcoe Recreation	5077 Transit Rd	Er. Sign-Temp	

11179	Jaskula, Michael	9 Michael Anthony Ln	Er. Shed	
11180	Seneca Fence Co	19 Farmview Ct	Er. Fence	
11181	Duro-Shed Inc	82 Stony Brook Dr	Er. Shed	
11182	Allshouse, Robert	1372 Townline Rd	Er. Res. Add.	
11183	Erie Niagara Insurance	105 Pleasant Ave	Repair Porch	(V/L)
11184	Izydarczak, Michael	1 Clermont Ct	Er. Shed	
11185	Trojanowsky, John	1 Via Donato W	Er. Gazebo	
11186	Duro-Shed Inc	95 Nichter Rd	Er. Shed	
11187	Iroquois Fence Inc	415 Central Ave	Er. Fence	
11188	Valkanov, Dimitre	106 Michael's Walk	Er. Deck	
11189	Bagley, William	226 Warner Rd	Er. Deck	
11190	Jeffords, Robert	155 Peppermint Rd	Er. Res. Alt.	
11191	Davies, Robert	260 Lake Ave	Er. Garage	(V/L)
11192	F&D Construction	1 Idlebrook Ct	Er. Res. Add.	
11193	Conway, M	1110 Townline Rd	Er. Deck	
11194	Basil, Joseph	5111 Transit Rd	Repair Drain Lines	
11195	Duro-Shed Inc	280 Ransom Rd	Er. Shed	
11196	Duro-Shed Inc	1 Sugar Mill Ct	Er. Shed	
11197	Lancaster Home Improv	5 Petersbrook Cir	Er. Res. Alt.	
11198	Dehn, Ray Jr	21 Clark St	Er. Res. Alt.	(V/L)
11199	Metz, Steven & James	5497 Broadway	Er. Sign	(V/L)
11200	Klingelsmith Plumbing	102 Pleasant Ave	Repl. Water Line	(V/L)
11201	Majestic Pools Inc	47 Village View	Er. Pool-In Grnd	
11202	Vogt, Philip	119 Southwest Pky	Er. Res. Add.	(V/L)
11203	Colley's Pool Sales Inc	28 Hampton Ct	Er. Pool-In Grnd	
11204	Colley's Pool Sales Inc	25 Hampton Ct	Er. Fence	
11205	Duro-Shed Inc	512 Lake Ave	Er. Shed	
11206	Duro-Shed Inc	10 Woodgate Dr	Er. Deck	
11207	Nickle City Insurance	5532 Broadway	Er. Comm. Alt.	(V/L)
11208	Josker, Mark	2 Queen's Way	Er. Shed	
11209	Josker, Mark	2 Queen's Way	Er. Pool-Abv Grnd	
11210	O'Leary, Daniel	27 Creekwood Dr	Er. Pool-Abv Grnd	
11211	O'Leary, Daniel	27 Creekwood Dr	Er. Fence	
11212	Irish Construction	74 Elm Pl	Er. Fence	(V/L)
11213	Mielko, John	60 Summit St	Er. Garage	
11214	Ventura, Joseph	25 Highland Pl	Er. Shed	(V/L)
11215	Wilcox Bros Sign Co	4901 Transit Rd	Er. Sign	
11216	Marrano/Marc Equity	4 Apple Blossom Blvd	Er. Dwlg.-Sin.	
11217	Lewandowski, Richard	721 Erie St	Er. Dwlg.-Sin.	
11218	Nola, Sean	27 Windcroft Ln	Er. Shed	
11219	Advision Inc	4875 Transit Rd	Er. Sign	
11220	Stock, John	219 Warner Rd	Er. Shed	
11221	Chowaniec, Brian	72 Old Post Rd	Er. Shed	
11222	Vogt, Philip	22 Fox Hunt Rd	Er. Res. Add.	

11223	Pionessa, Paul	111 Aurora St	Er. Garage	(V/L)
11224	Cislo, Andrew	601 Erie St	Er. Pool-Abv Grnd	
11225	Desiderio, Gerald	5827 Broadway	Er. Sign-Temp	
11226	Classic Fence & Lumber	54 Maple Dr	Er. Fence	
11227	Latello, John	209 Central Ave	Dem. Dwlg.	(V/L)
11228 SW	Fischione Construction	141 William Kidder Rd	Er. Dwlg.-Sin.	
11229	Glamour Pools Inc	5 Candlestick Ct	Er. Fence	
11230	Glamour Pools Inc	5 Candlestick Ct	Er. Pool-In Grnd	
11231	Glamour Pools Inc	48 Quail Run Ln	Er. Fence	
11232	Glamour Pools Inc	48 Quail Run Ln	Er. Pool-In Grnd	
11233	Colley's Pool Sales Inc	15 Thomas Dr	Er. Fence	
11234	Colley's Pool Sales Inc	15 Thomas Dr	Er. Pool-In Grnd	
11235	Colley's Pool Sales Inc	484 Hall Rd	Er. Fence	
11236	Colley's Pool Sales Inc	484 Hall Rd	Er. Pool-In Grnd	

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows.

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

October 6, 2003

File: Rbldg2

## COMMUNICATIONS & REPORTS:

- 522. Adelpia to Town Clerk -  
Transmittal of package and program changes in local cable service. DISPOSITION = Received and Filed
- 523. Town Clerk, Town of Marilla to Town Board -  
Transmittal of proposed Local Law No. 2, "Amendment to the Code of the Town of Marilla" and notice of public hearing. DISPOSITION = Received and Filed
- 524. Town Clerk to Town Board -  
Application for Special Use Permit, 5454 Genesee Street, for sale of vehicles. DISPOSITION = Resolution 10/6/03
- 525. NYS Senator Dale M. Volker to Town Clerk -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 526. NYS DOT to NYS Senator Dale M. Volker -  
Comments regarding proposed reconstruction of Transit Road. DISPOSITION = Received and Filed
- 527. Michael J. Conboy to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 528. Northwood Village Association, Inc. to Supervisor -  
Comments and recommendation regarding proposed street light on Transit Boulevard. DISPOSITION = Resolution 10/6/03
- 529. Dept. of Army, Corp of Engineers to Supervisor -  
Notice of presentation regarding Ellicott Creek - Section 205 Study on September 23, 2003. DISPOSITION = Received and Filed
- 530. Supervisor to Commissioner, NYS DEC -  
Letter regarding revised wetland boundaries in Windsor Ridge Subdivision. DISPOSITION = Town Attorney
- 531. Michael Budzich, Mary Sue Budzich to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 532. NYS DEC to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Jiffy Tite Company, Inc; comments noted. DISPOSITION = Planning Committee
- 533. NYS DOT to Town Attorney -  
Notification of Lead Agency Designation to the Town of Lancaster regarding Jiffy Tite Company, Inc; comments noted. DISPOSITION = Planning Committee
- 534. Margaret R. Testa-Goss to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 535. Denise A. Robida to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 536. Jim Kozlowski to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
- 537. Troy & Banks, Inc. to Supervisor -  
Update regarding Cable Franchise Fee Review of Adelpia Cable. DISPOSITION = Town Attorney

538. Buffalo Niagara International Airport to Supervisor -  
Letter regarding an Airport Noise Compatibility Study for the airport.  
DISPOSITION = Received and Filed
539. Lancaster Village Clerk to Town Board -  
Transmittal of resolution adopted September 8, 2003 by Village of Lancaster opposing  
proposed casino. DISPOSITION = Received and Filed
540. Supervisor to Uniland Development Company -  
Letter giving approval of curb cut for CarQuest on Walden Avenue.  
DISPOSITION = Received and Filed
541. Supervisor to NYS DOT -  
Letter requesting consideration of curb cut for CarQuest on Walden Avenue.  
DISPOSITION = Received and Filed
542. Uniland Development Company to NYS DOT -  
Letter regarding curb cut request for CarQuest on Walden Avenue. DISPOSITION =  
Received and Filed
543. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town  
Engineer -  
Notice of SEQR meeting, October 6, 2003 at 6:30 PM to review site plan of Jiffy Tite.  
DISPOSITION = Received and Filed
544. Town Clerk to Various News Media -  
Notice to media of SEQR meeting, October 6, 2003 at 6:30 PM to review site plan of  
Jiffy Tite. DISPOSITION = Received and Filed
545. Town Clerk to Town Board -  
Application for Special Use Permit of 81 & 3 of Florida, Transit Road at Genesee  
Street. DISPOSITION = Resolution 10/6/03
546. Twin District Fire Company to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 10/6/03
547. Erie County Department of Public Works to Supervisor -  
Notice of road opening of Hall Road between Schwartz Road and Ransom Road.  
DISPOSITION = Received and Filed
548. J.M. Fitzpatrick Associates to Town Board -  
Suggestions regarding proposed zoning change for 4827 and 4839 Transit Road  
(Kohl's). DISPOSITION = Planning Committee
549. Erie County Department of Environment & Planning to Town Attorney -  
Comments regarding site plan review and SEQR of Jiffy Tite, 4437 Walden Avenue.  
DISPOSITION = Resolution 10/6/03
550. Village of Lancaster to Town Board -  
Minutes of official meeting held August 11, 2003. DISPOSITION = Received and Filed
551. Village of Lancaster to Town Board -  
Minutes of official meeting held August 25, 2003. DISPOSITION = Received and Filed
552. Village of Lancaster to Town Board -  
Minutes of official meeting held September 8, 2003. DISPOSITION = Received and  
Filed
553. Planning Board Chairman to Planning Board Members, Town Board Members, Town  
Engineer, Town Attorney, & Building Inspector -  
Transmittal of draft copy of minutes held October 1, 2003. DISPOSITION = Received  
and Filed
554. Depew Union Free School District to Supervisor -  
Request for use of polling places for Kids Voting on Election Day. DISPOSITION =  
Town Clerk



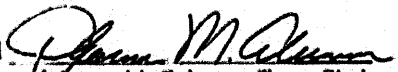
555. Mrs. Patricia Mangold to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
556. Chad & Jenna Heim to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
557. Molly Krygier to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
558. Suzanne Kelchlin to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
559. Christopher Kelchlin to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
560. NYS Senator Dale M. Volker and Assembly Majority Leader Paul A. Tokasz to Acting Director, NYS DOT -  
Letter requesting consideration of curb cut for CarQuest on Walden Avenue. DISPOSITION = Planning Committee
561. Tim Mundis to Town Board -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
562. Frank Prell to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
563. Michael L. Penna, Janet M. Penna to Supervisor -  
Comments and concerns regarding proposed casino. DISPOSITION = Received and Filed
564. NYS DEC to Supervisor -  
Response to letter regarding revised wetland boundaries in Windsor Ridge Subdivision. DISPOSITION = Town Attorney
565. Erie County Clerk to Supervisor -  
Notice of improved process for pistol permit application from County Clerk's Office. DISPOSITION = Received and Filed
566. Village of Lancaster to Town Board -  
Minutes of official meeting held July 14, 2003. DISPOSITION = Received and Filed
567. Town of Lancaster to Village of Lancaster -  
Transmittal of Invoice for payment pursuant to Agreement between Town and Village of Lancaster for the transfer of Police Functions. DISPOSITION = Town Attorney

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE MEETING, ON ROLL, WHICH RESULTED AS FOLLOWS:**

COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
COUNCIL MEMBER ZARBO	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

**The meeting was adjourned at 8:57 P.M.**

Signed   
Johanna M. Coleman, Town Clerk